



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/978,221	10/16/2001	Qi Yu	USP1588A-OI2	4093
30265	7590	06/26/2008	EXAMINER	
DAVID AND RAYMOND PATENT FIRM 108 N. YNEZ AVE., SUITE 128 MONTEREY PARK, CA 91754			COBANOGLU, DILEK B	
			ART UNIT	PAPER NUMBER
			3626	
			MAIL DATE	DELIVERY MODE
			06/26/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No. 09/978,221	Applicant(s) YU, QI	
Examiner DILEK B. COBANOGLU	Art Unit 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 31 March 2008.
- 2a) This action is **FINAL**.
- 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 54-72, 76, 79-86 and 88-91 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 54-72, 76, 79-86 and 88-91 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/31/2008 has been entered.
2. Claims 54-72, 76, 79-86 and 88-91 remain pending in this application.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 54-72, 76, 79-86 and 88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldenberg (U.S. Patent Publication No.2002/0065682 A1) in view of Evers et al. (hereinafter Evers) (U.S. Patent No. 5,558,638).

- A. Claim 54 has been amended now to recite a method of providing distance-treatment for registered users through Internet, comprising the steps of:
 - a. providing an information connection system comprising a computer, a visual signal producer and an audio signal producer, wherein said

- information connection system is arranged to be capable of communicating with a service provider through the Internet (Goldenberg; paragraphs 0009, 0010, 0011, 0015, 0038, 0054, 0059, 0061 and Fig. 8);
- b. (b) verifying and admitting said registered user to login said service provider through Internet (Goldenberg; paragraphs 0027, 0042 and 0044);
 - c. (c) receiving a treatment request from said information connection system according to a diagnosis record of said registered user through the internet (Goldenberg; paragraphs 0011, 0016 and 0042);
 - d. (d) based on said treatment request and a health information profile preset for said registered in said service provider, selecting a treatment information data package from a treatment information database provided by said service provider (Goldenberg; paragraphs 0011, 0016, 0017, 0055 and 0059); and
 - e. (e) sending digital treatment signals of said treatment information data package to said computer of said information connection system through Internet to initiate a treatment operated by said information connection system on said registered user, wherein said treatment is selected from a group of consisting of an audio and visual treatment to said registered user via said audio device and said monitor respectively (Goldenberg; paragraphs 0017, 0027 and 0062).
 - f. (f) feeding back a responsive health information of said registered user to the service provider for controlling and adjusting properties of said

digital treatment signals of said treatment information data package to be sent from said service provider to said information connection system of said registered user (Goldenberg; paragraphs 0056), wherein the step (f) further comprises the steps of:

(f-1) detecting current health information of said registered user during said biological treatment (Goldenberg; paragraphs 0056);

(f-2) sending said detected current health information to said information connection system as said responsive health information through the Internet (Goldenberg; paragraphs 0056, 0059);

(f-3) feeding said responsive health information back to said service provider from said information connection system through the Internet (Goldenberg; paragraphs 0056);

(f-4) evaluating said digital treatment signals of said treatment information data package sent to said information connection system of said registered user with respect to said received responsive health information (Goldenberg; paragraphs 0056);

(f-5) adjusting said digital treatment signals of said treatment information data package to modified treatment information data package which contains updated digital treatment signals (Goldenberg; paragraphs 0059, 0062); and

(f-6) sending said modified treatment information data package to said information connection system of said registered user through the Internet so as to transmit said updated digital treatment signals to said information connection system to update said control of said computer such that said current health information is continuously feeding back to said service provider so as to render said biological treatment becoming a live-treatment that said digital treatment signals of said treatment information data package is controlled and adjusted correspondingly through the Internet so as to provide a better and more effective primarily audio and visual treatment results (Goldenberg; paragraphs 0056, 0062, 0063).

- g. decoding said digital treatment signals into analog treatment signals which are sent to said computer to program and control said treatment of said registered user when said treatment instrument is an analog type treatment instrument.

Goldenberg fails to expressly teach decoding said digital treatment signals into analog treatment signals which are sent to said computer to program and control said treatment of said registered user when said treatment instrument is an analog type treatment instrument. However, this feature is well known in the art, as evidenced by Evers.

In particular, Evers discloses decoding said digital treatment signals into analog treatment signals which are sent to said computer to program and control said treatment of said registered user when said treatment instrument is an analog type treatment instrument (Evers; col. 7, lines 7-34, col. 10, lines 4-14, col. 10, lines 52-58).

It would have been obvious to one having ordinary skill in the art at the time of the invention to include the aforementioned limitation as disclosed by Evers with the motivation of coordinating signal flow (Evers; col. 11, lines 12-21).

B. Claim 55 recites the method, as recited in claim 54, further comprising a step of providing a treatment instrument communicatively connected with said information connection system, wherein said treatment instrument is arranged to further include at least one additional treatment option as an additional treatment for said registered user apart from said audio and visual treatment (Goldenberg; paragraphs 0059).

C. Claim 56 recites the method, as recited in claim 54, before said step (a), further comprising a step of providing said treatment information database and a health information database for said service provider, wherein said treatment information database includes a plurality of treatment information with respect to different kinds of classified health problem and said health information database includes health information profiles established for said registered users respectively, wherein each of said health information profiles includes a personal

Art Unit: 3626

general information and a personal health information of said respective registered user (Goldenberg; paragraphs 0042, 0044, 0047).

D. Claim 57 recites the method, as recited in claim 55, before said step (a), further comprising a step of providing said treatment information database and a health information database for said service provider, wherein said treatment information database includes a plurality of treatment information with respect to different kinds of classified health problem and said health information database includes health information profiles established for said registered users respectively, wherein each of said health information profiles includes a personal general information and a personal health information of said respective registered user (Goldenberg; paragraphs 0042, 0044, 0047).

E. Claim 58 recites the method, as recited in claim 56, wherein said personal general information includes a specific user ID and a specific password registered by each of said registered users and a specific passcode assigned to each of said registered users by said service provider (Goldenberg; paragraphs 0042).

F. Claim 59 recites the method, as recited in claim 57, wherein said personal general information includes a specific user ID and a specific password registered by each of said registered users and a specific passcode assigned to each of said registered users by said service provider (Goldenberg; paragraphs 0042).

Art Unit: 3626

G. Claim 60 recites the method, as recited in claim 56, wherein said personal health information of each of said registered users includes personal physical information and a recent body test record of said respective registered user, and said health information profile of each of said registered users further comprises a diagnosis file recording a personal diagnosis information of said respective registered user (Goldenberg; paragraphs 0050).

H. Claim 61 recites the method, as recited in claim 57, wherein said personal health information of each of said registered users includes personal physical information and a recent body test record of said respective registered user, and said health information profile of each of said registered users further comprises a diagnosis file recording a personal diagnosis information of said respective registered user (Goldenberg; paragraphs 0050).

I. Claim 62 recites the method, as recited in claim 56, wherein the step (a) further comprises a step of registering said treatment instrument in said service provider so as to make a corresponding record in said health information profile of said respective registered user (Goldenberg; paragraphs 0038). Examiner considers that treatment devices described in this reference are registered since they are controlled remotely.

J. Claim 63 recites the method, as recited in claim 56, wherein the treatment information database includes a plurality of treatment information with respect to different kinds of classified health problem and diseases, wherein said treatment

Art Unit: 3626

information is stored as said treatment information data package (Goldenberg; paragraphs 0033, 0038 and 0042).

K. Claim 64 recites the method, as recited in claim 59, wherein the treatment information database includes a plurality of treatment information with respect to different kinds of classified health problem and diseases, wherein said treatment information is stored as said treatment information data package (Goldenberg; paragraphs 0033, 0038 and 0042).

L. Claim 65 recites the method, as recited in claim 61, wherein the treatment information database includes a plurality of treatment information with respect to different kinds of classified health problem and diseases, wherein said treatment information is stored as said treatment information data package (Goldenberg; paragraphs 0033, 0038 and 0042).

M. Claim 66 recites the method, as recited in claim 62, wherein the treatment information database includes a plurality of treatment information with respect to different kinds of classified health problem and diseases, wherein said treatment information is stored as said treatment information data package (Goldenberg; paragraphs 0033, 0038 and 0042).

N. Claim 67 recites the method, as recited in claim 56, wherein step (b) comprises the steps of:

(b-1) receiving a login request from said information connection system of said registered user (Goldenberg; paragraphs 0042);

(b-2) sending a login page to said information connection system of said registered user to collect said user ID, said password and said passcode of said respective registered user (Goldenberg; paragraphs 0042);

(b-3) authorizing said received user ID, password and passcode from said registered user by checking against all said personal general information of said health information profiles of said health information database (Goldenberg; paragraphs 0042); and

(b-4) sending said member page to said registered user when said user is verified as said registered user in record, wherein said member page is a tailored web- pages for allowing said registered user to access and amend said health information profile thereof, informing said current health condition of said registered user based on said health information profile of said registered user, providing list of health problems and diseases of said registered user, and placing said treatment request (Goldenberg; paragraphs 0042, 0050).

O. Claims 68, 69 and 70 repeat the same limitations as claim 67, therefore they are rejected for the same reasons given in the rejection of claim 67 above and incorporated herein.

P. Claim 71 recites the method, as recited in claim 69, wherein after said verification of said registered user, said service provider recognizes said registered user and admits said registered user to make said treatment request to said service provider at said information connection system through the Internet, wherein in responsive to said treatment request of said registered user,

Art Unit: 3626

said service provider sends said respective registered user a treatment page which may include a list of said health problems and diseases that said registered user suffers, treatment opinions from doctors, recommendation of beneficial foods and activities for each of said listed health problems and diseases of said registered user, recommended biological treatments with respect to said listed health problems and diseases that said registered user suffers respectively, and information of suggested treatment instrument for executing each recommended biological treatment (Goldenberg; paragraphs 0042, 0050).

Q. Claim 72 repeats the same limitations as claim 71, therefore it is rejected for the same reasons given in the rejection of claim 71 above and incorporated herein.

R. Claim 76 recites the method, as recited in claim 56, wherein the step (d) further comprises the steps of:

(d-1) enabling said registered user to select said particular health problem and disease to be treated from said list of said health problems and diseases that said registered user suffers (Goldenberg; paragraphs 0048, 0050);

(d-2) enabling said registered user to select said specific recommended biological treatment with respect to said selected health problem or disease as said primary treatment (Goldenberg; paragraphs 0055-0056);

(d-3) calling said personal general information and personal health information of said health information profile of said registered user from said

health information database to reference said specific recommended biological treatment selected by said registered user (Goldenberg; paragraphs 0050);

(d-4) selecting, by said service provider, said specific treatment information data package from said treatment information database regarding to said selected recommended biological treatment and said health information profile of said registered user, wherein said treatment information data package contains said digital treatment signals adapted for controlling said specific treatment instrument connected to said information connection system of said registered user (Goldenberg; paragraphs 0050, 0053); and

(d-5) sending said treatment information data package to said information connection system of said registered user through the Internet so as to transmit said digital treatment signals to said information connection system for controlling said treatment instrument (Goldenberg; paragraphs 0017, 0050).

S. Claims 79, 80 recite the method, as recited in claim 55, wherein after the step (f-1) and before the step (f-2), said current health information detected are analog signals (Goldenberg; par. 0017, 0038, 0059) which are converted into digital signals of said responsive health information for transmitting back to said service provider through the Internet.

Goldenberg fails to expressly teach decoding digital treatment signals into analog treatment signals, per se, since it appears that Goldenberg is more directed to teach receiving and transmitting signals (Goldenberg; par. 0017) decode the data for further processing and to encode responses to

be transmitted to the remote user location (Goldenberg; par. 0040).

However, this feature is well known in the art, as evidenced by Albert.

In particular, Albert discloses decoding said digital treatment signals into analog treatment signals (Albert; col. 4, lines 1-8).

It would have been obvious to one having ordinary skill in the art at the time of the invention to include the aforementioned limitation as disclosed by Goldenberg with the motivation of further demodulation, review and opinion (Albert; col. 4, lines 1-8).

T. Claim 81 recites the method, as recited in claim 79, wherein said responsive health information of said registered user is obtained by requesting said registered user to input said responsive health information, including a feeling, progress and symptom of said registered user, so as to control and adjust said digital treatment signals of said treatment information data package to be sent from said service provider to said information connection system of said registered user (Goldenberg; par. 0059, 0061).

U. Claim 82 repeats the same limitations as claim 81, therefore it is rejected for the same reasons given in the rejection of claim 81 above and incorporated herein.

V. Claim 83 has been amended now to recite a system of providing distance-treatment for registered users through Internet, comprising:

- i. a service provider providing a treatment information database and a health information database, wherein said treatment information database

includes a plurality of treatment information with respect to different kinds of classified health problem and said health information database includes health information profiles established for said registered users respectively, wherein each of said health information profiles includes a personal general information and a personal health information for said respective registered user (Goldenberg; paragraphs 0029, 0040, 0050, figure 8);

ii. an information connection system comprising a monitor and a computer adapted to be operated by said registered user; a network networking said information connection system with said service provider for data communication through the Internet, wherein said computer and said monitor are arranged to initialize a primary treatment for said registered user in an audio and visual format (Goldenberg; paragraphs 0009, 0010, 0054, 0055, 0056, 0061); and

iii. wherein a treatment information data package sent from said service provider via said information connection system through the Internet to provide digital treatment signals to control said treatment, wherein said treatment information data package is selected from said treatment information database based on a treatment request sent from said information connection system to said service provider and said health information profile of said registered user in said service provider (Goldenberg; paragraphs 0055, 0061, 0062);

- iv. wherein a responsive health information of said registered user is fed back to said service provider for controlling and adjusting properties of said digital treatment signals of said treatment information data package to be sent from said service provider to said information connection system of said registered user, wherein when a current health information of said registered user is detected during said biological treatment, said detected current health information is sent to said information connection system as said responsive health information such that said responsive health information is fed back to said service provider from said information connection system through the Internet, wherein said digital treatment signals of said treatment information data package is evaluated and sent to said information connection system of said registered user with respect to said received responsive health information, wherein said digital treatment signals of said treatment information data package is then adjusted to modified treatment information data package which contains updated digital treatment signals, wherein said modified treatment information data package is sent to said information connection system of said registered user through the Internet so as to transmit said updated digital treatment signals to said information connection system to update said primary treatment (Goldenberg; paragraphs 0055, 0061, 0062).
- v. Wherein said system further comprises a decoder connected between said information connection system and said treatment

instrument which is an independent analog instrument, wherein said decoder converts said digital treatment signals received by said information connection system from said service provider to respective analog signals to control said treatment of said treatment instrument.

Goldenberg fails to expressly teach wherein said system further comprises a decoder connected between said information connection system and said treatment instrument which is an independent analog instrument, wherein said decoder converts said digital treatment signals received by said information connection system from said service provider to respective analog signals to control said treatment of said treatment instrument. However, this feature is well known in the art, as evidenced by Evers.

In particular, Evers discloses wherein said system further comprises a decoder connected between said information connection system and said treatment instrument which is an independent analog instrument, wherein said decoder converts said digital treatment signals received by said information connection system from said service provider to respective analog signals to control said treatment of said treatment instrument (Evers; col. 7, lines 7-34, col. 10, lines 4-14, col. 10, lines 52-58).

It would have been obvious to one having ordinary skill in the art at the time of the invention to include the aforementioned limitation as

disclosed by Evers with the motivation of coordinating signal flow
(Evers; col. 11, lines 12-21).

W. Claim 84 recites the system, as recited in claim 83, further comprising at least one treatment instrument communicatively connected with said information connection system which is arranged to provide additional treatment to said registered users apart from said primary treatment in said visual and audio format (Goldenberg; paragraphs 0061, 0062).

X. Claim 85 recites the system, as recited in claim 84, wherein said service provider comprises a Web Server, said information connection system comprises a personal computer and said network is an Internet which is a data transmission network connecting said service provider and said information connection system (Goldenberg; paragraphs 0009, 0010, 0027, 0042, figure 8).

Y. Claim 86 repeats the same limitations as claim 85, therefore it is rejected for the same reasons given in the rejection of claim 85 above and incorporated herein.

Z. Claim 88 recites the system, as recited in claim 87, wherein said treatment instrument comprises a power source and an information input connection (Goldenberg; par. 0059), and said decoder is an internal decoder installed in said information connection system and provides a data outlet port to be connected to said information input connection of said treatment instrument.

Goldenberg fails to expressly teach an internal decoder installed.

However, this feature is well known in the art, as evidenced by Evers.

In particular, Evers discloses an internal decoder installed in said information connection system and provides a data outlet port to be connected to said information input connection of said treatment instrument (Evers; col. 7, lines 7-34, col. 10, lines 4-14, col. 10, lines 52-58).

It would have been obvious to one having ordinary skill in the art at the time of the invention to include the aforementioned limitation as disclosed by Evers with the motivation of coordinating signal flow (Evers; col. 11, lines 12-21).

5. Claim 89 is rejected under 35 U.S.C. 103(a) as being anticipated over Goldenberg (U.S. Patent Publication No. 2002/0065682 A1) and Evers et al. (hereinafter Evers) (U.S. Patent No. 5,558,638) in view of Khaled et al. (hereinafter Khaled) (U.S. Patent No. 5,416,804).

A. As per claim 89, Goldenberg discloses the system, as recited in claim 88.

Goldenberg fails to expressly teach an external decoder physically connected between said information connection system and said treatment instrument, per se, since it appears that Goldenberg is more directed to teach receiving and transmitting signals (Goldenberg; par. 0017) decode the data for further processing and to encode responses to be transmitted to the remote user location (Goldenberg; par. 0040) and Evers is more directed to an internal decoder (Evers; col. 3, line 50 to col.

Art Unit: 3626

4, line8). However, this feature is well known in the art, as evidenced by Khaled.

In particular, Khaled discloses an external decoder physically connected between said information connection system and said treatment instrument (Khaled; abstract, col. 3; lines 19-47 and Fig. 1, 5 and 6).

It would have been obvious to one having ordinary skill in the art at the time of the invention to include the aforementioned limitation as disclosed by Khaled with the motivation of error correlation at the output of the internal decoder (Khaled; col. 4, lines 50-53).

6. Claim 90 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldenberg (U.S. Patent Publication No. 2002/0065682 A1), Evers et al. (hereinafter Evers) (U.S. Patent No. 5,558,638), Khaled et al. (hereinafter Khaled) (U.S. Patent No. 5,416,804) and further in view of Swing (U.S. Patent No. 6,522,929 B2).

A. As per claim 90, Goldenberg discloses the system, as recited in claim 89.

Goldenberg fails to expressly teach an electrical acupuncture, per se, since it appears that Goldenberg is more directed to teach a treatment device, which can perform both therapeutic and diagnostic procedures (Goldenberg; par. 0017 and 0059). However, this feature is well known in the art, as evidenced by Swing.

In particular, Swing discloses an electrical acupuncture device for operating electrical acupuncture treatment (Swing; par.0011)

It would have been obvious to one having ordinary skill in the art at the time of the invention to include the aforementioned limitation as disclosed by Swing with the motivation of healing a injury of a patient using electrical stimulation and/or needles (Swing; par.0011).

7. Claim 91 is rejected under 35 U.S.C. 103(a) as being anticipated over Goldenberg (U.S. Patent Publication No. 2002/0065682 A1), Evers et al. (hereinafter Evers) (U.S. Patent No. 5,558,638), Khaled et al. (hereinafter Khaled) (U.S. Patent No. 5,416,804), Swing (U.S. Patent No. 6,522,929 B2) and further in view of Bologna (U.S. Patent Publication 2003/0023129).

A. As per claim 91, Goldenberg discloses the system, as recited in claim 89.

Goldenberg fails to expressly teach an electromagnetic wave generator for producing electromagnetic waves with a predetermined frequency, ranging from 1 Hz to 530,000 GHz, and intensity, ranging from 1 mV to 10 mV, per se, since it appears that Goldenberg is more directed to an electronic inquiry-based information system (Goldenberg; pa. 0015).

However, this feature is well known in the art, as evidenced by Bologna.

In particular, Bologna discloses an electromagnetic wave generator for producing electromagnetic waves with a predetermined frequency, ranging from 1 Hz to 530,000 GHz, and intensity, ranging from 1 mV to 10 mV (Bologna; par.0011 and 0026).

Art Unit: 3626

It would have been obvious to one having ordinary skill in the art at the time of the invention to include the aforementioned limitation as disclosed by Swing with the motivation of electromagnetic wave generator is being reliable and safe (Bologna; par.0026).

Response to Arguments

8. Applicant's arguments filed 3/31/2008 have been fully considered but they are not persuasive. Applicant's arguments will be addressed in the order in which they appear.

A. Applicant should submit an argument under the heading "Remarks" pointing out disagreements with the examiner's contentions. Applicant must also discuss the references applied against the claims, explaining how the claims avoid the references or distinguish from them. Arguments A and B only states that "Goldenberg does not teach" and then the Applicant provides the whole claim. Applicant need to point out which limitations Goldenberg falls to teach and why. Also, Examiner considers that Applicant meant to state "Regarding the newly amended independent claim 83" instead of claim 54 in argument B, since the claim is a system claim.

B. In response to argument C, Examiner respectfully submits that Applicant argues about newly added limitations and non-applied art, Albert (U.S. Patent No. 5,735,285), in the previous office action. In the previous office action, claim 54 was rejected under 35 U.S.C. 102(e) as being unpatentable by Goldenberg.

Art Unit: 3626

C. In response to argument D, Examiner respectfully submits that In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Goldenberg teaches “**An interactive network-based health information system** provides up-to-date medical information directly to a user... The system provides for remote monitoring and diagnosis of the patient and for **remote treatment** .” in abstract, “Communication with such a system can take place over a public data communications network, the Internet being one example of such a network.” In paragraph 0009, “...one possible introductory process responsive to **user access**. When the user accesses the system in step 301 the system reads an inquiry from the user and recognizes it as an inquiry...Step 304 could be accomplished by comparing the **user ID and password** to identification numbers and passwords stored in the database of authorized users. If the user is an authorized subscriber the system can then begin to secure for the user the desired level of access.” In paragraph 0042, “Briefly, according to one aspect of the present invention, there is provided a health care system for delivering health care to a patient. The system includes a server, a monitoring device, and a

treatment device. The server is communicatively coupled to a network and is for **receiving and transmitting signals.** The monitoring device is communicatively coupled to the network and is adapted to be connected to the patient. The monitoring device is adapted to monitor the patient and to transmit patient information to the server over the network. The treatment device is communicatively coupled to the network and is adapted to be connected to the patient. The treatment device receives a treatment signal from the server over the network and is adapted to administer a treatment to the patient based on the treatment signal received.” In paragraph 0017. And Evers teaches “A system for monitoring the health and medical requirements of a plurality of patients located at remote sites and providing these requirements to a care center.” in abstract, “Signals from the CPU 412 are also provided to the data decoder 798 which provides selection of the correct channels. These signals are then provided to the run decoder 799 which coordinates signal flow.” In col. 11, lines 12-21.

D. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. No new reference cited, the references cited in the previous office actions remain appropriate.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DILEK B. COBANOGLU whose telephone number is (571)272-8295. The examiner can normally be reached on 8-4:30.

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher L. Gilligan can be reached on 571-272-6770. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 09/978,221

Page 25

Art Unit: 3626

/D. B. C./

Examiner, Art Unit 3626

/C Luke Gilligan/

Supervisory Patent Examiner, Art Unit 3626